

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE MILO'S DOG TREATS  
CONSOLIDATED CASES

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Civil Action No. 12-1011

Judge Cathy Bissoon  
Magistrate Judge Maureen P. Kelly

**MEMORANDUM ORDER**

On August 13, 2012, this case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C.

§§ 636(b)(1)(A) and (B), and Rules 72.C, 72.D and 72.G of the Local Rules for Magistrates.

On October 10, 2013, the Magistrate Judge issued a Report (Doc. 99) recommending that: Plaintiff Langone's Motion to Transfer (Doc. 63) be granted as to Defendant King Soopers, and denied as to Defendant Kroger; Plaintiff's Motion to Stay Briefing on the Kroger Defendants' Motion to Dismiss (Doc. 72) be dismissed as moot; and that Defendants' Motion to Dismiss (Doc. 66) be dismissed as moot regarding Defendant King Soopers, and granted to the extent Defendants seek dismissal of Defendant Kroger for lack of personal jurisdiction. Service of the Report and Recommendation was made, and Defendants have filed Objections. *See* Doc. 108.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

Plaintiff Langone's Motion to Transfer (**Doc. 63**) is **GRANTED** regarding Defendant King Soopers, and the claims against that Defendant (only) are **TRANSFERRED FORTHWITH** to the District of Colorado; the Motion to Transfer (**Doc. 63**) is **DENIED**

regarding Defendant Kroger; Plaintiff's Motion to Stay Briefing on the Kroger Defendants' Motion to Dismiss (**Doc. 72**) is **DENIED AS MOOT**; Defendants' Motion to Dismiss (**Doc. 66**) regarding King Soopers is **DENIED** in this Court, although the denial has no bearing on the transferee Court; and Defendants' Motion to Dismiss (**Doc. 66**) is **GRANTED** regarding Defendant Kroger.

The Report and Recommendation of Magistrate Judge Kelly dated October 10, 2013 hereby is adopted as the Opinion of the District Court.

November 18, 2013

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record